

## Community resources

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*courage is contagious*

## Viewing cable 05LIMA2222, IS IT PERU'S TURN TO HAVE A CONSTITUTIONAL CRISIS?

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### Understanding cables

Every cable message consists of three parts:

- The top box shows each cable's unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

### Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#05LIMA2222**.

Reference ID	Created	Released	Classification	Origin
<a href="#">05LIMA2222</a>	<a href="#">2005-05-18 15:43</a>	<a href="#">2011-08-30 01:44</a>	<a href="#">CONFIDENTIAL</a>	<a href="#">Embassy Lima</a>

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This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L LIMA 002222

SIPDIS

E.O. 12958: DECL: 05/18/2015

TAGS: [PGOV](#) [PINS](#) [PREL](#) [PE](#)

SUBJECT: IS IT PERU'S TURN TO HAVE A CONSTITUTIONAL CRISIS?

REF: A. LIMA 2131

- [1](#)B. LIMA 2054
- [1](#)C. LIMA 1953
- [1](#)D. LIMA 1900
- [1](#)E. LIMA 1375

Classified By: Ambassador Curt Struble. Reason: 1.4(b/d).

[1](#)1. (C) On the afternoon of May 17, Prime Minister Carlos Ferrero asked urgently to meet with the Ambassador. Ferrero related that the government is seriously concerned that Peru's Congress, at the instance of the APRA legislative block, might vote on May 19 to suspend President Toledo from office when it debates the Villanueva Commission's report (Reftels) on fraud allegedly committed when Toledo's Peru Possible party was registered. Ferrero said that the Toledo Administration had obtained written opinions from six of Peru's top constitutional lawyers stating that the allegations against the President do not support impeachment or suspension. Should Congress vote in support of APRA's anticipated motion, the Prime Minister said, the Executive Branch would not recognize the validity of its act. Recalling the USG's quiet advocacy with opposition parties in February 2004, when the possibility of removing Toledo in a constitutionally-questionable fashion was being bruited, Ferrero asked whether the Ambassador could register concern with the opposition. Ferrero said that Toledo and Alan Garcia had spoken about the Villanueva Commission's report and had an understanding as to how it would be handled (Ref A). The Prime Minister himself was talking regularly to APRA Congressman (and party co-Secretary General) Jorge Del Castillo. Despite earlier understandings, it appeared that APRA intended to change its stance. Although Ferrero said Unidad Nacional leader Lourdes Flores was also behind the effort to suspend Toledo, in response to the Ambassador's question Ferrero stated that the Government had not/not spoken directly with her.

12. (C) Polcouns had separately learned on May 16 from APRA Congressional Bloc leader Cesar Zumaeta that the party was planning to vote to suspend Toledo from office until a criminal court could investigate the Peru Possible registration fraud allegations. (Comment: Typically, such an investigation would take 2-4 years, a period substantially longer than Toledo,s remaining term.) Septel provides an analysis of the constitutional provision that APRA is relying upon; the provision would have to be severely contorted to justify the proposed action. However, another APRA source earlier indicated that the suspension proposal was intended to pressure the government and did not reflect the party,s bottom line.

13. (C) COMMENT AND PROPOSED COURSE OF ACTION: The proposed suspension would provide a back door to remove Toledo without fulfilling constitutional requirements regarding the grounds for impeachment nor the super majority impeachment requires. As such, it would seriously and perhaps lastingly undercut legislative/executive balance in this country. The Ambassador has scheduled a meeting with APRA leader Alan Garcia at mid-day to discuss the matter. Unidad Nacional leader Lourdes Flores is not/not available May 18 due to illness. We will also be talking with other political leaders. It is not at all clear to us that the suspension scenario has legs. However, if it were to happen, the resulting impasse between the executive and legislature would provide a tempting opportunity for this country,s radical elements to decide the issue through violent protests. We are preparing a proposed contingency statement for Department consideration and have primed Embassy elements to reach out to the security services. The Ambassador recommended to Ferrero that he bring his Ambassador to the OAS into the picture and be prepared to turn to that organization for assistance if a conflict of government branches occurs. END COMMENT AND PROPOSED COURSE OF ACTION.

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